

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

| | | |
|---|---|--------------------------------|
| DAVID C. HENDERSON, individually and on behalf of others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 3:12-cv-00322 |
| |) | |
| vs. |) | Judge Jane Boyle |
| |) | |
| REMINGTON ARMS COMPANY, LLC., |) | |
| CASCADE CARTRIDGE, INC. A/K/A CCI |) | |
| AMMUNITION |) | |
| |) | |
| Defendants. |) | |

DEFENDANT REMINGTON ARMS COMPANY’S MOTION TO TRANSFER

Defendant, REMINGTON ARMS COMPANY, LLC (“Remington”) respectfully moves this Court pursuant to the “first-to-file” rule and 28 U.S.C. § 1404(a) to transfer this case to the United States District Court for the Middle District of North Carolina, where *Maxwell v. Remington* is currently pending under Case Number 10-cv-00918. The Memorandum in Support, Appendix, and Declaration filed herewith set forth the basis for this Motion and are incorporated herein by reference.

Respectfully submitted,

s/ James D. Jordan
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**ATTORNEYS FOR DEFENDANT
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LLC**

CERTIFICATE OF CONFERENCE

Counsel for Defendant Remington Arms Company, LLC (James B. Vogts) and counsel for plaintiff (Christopher Ellis) conferred on April 9, 2012, in an effort to reach an agreement concerning this motion. An agreement could not be reached and plaintiff's counsel has confirmed that the plaintiff is opposing this motion.

s/ James B. Vogts
One of the Attorneys for Defendant
Remington Arms Company, LLC

s/ James D. Jordan
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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

On April 9, 2012 I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

s/ James D. Jordan